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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/550,119	09/19/2005	Ingo Kienke	026032-4922	3621

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FOLEY & LARDNER LLP  
777 EAST WISCONSIN AVENUE  
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EXAMINER
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MCPARTLIN, SARAH BURNHAM

ART UNIT	PAPER NUMBER
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3636

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/09/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/550,119	<b>Applicant(s)</b> KIENKE ET AL.	
	<b>Examiner</b> Sarah B. McPartlin	<b>Art Unit</b> 3636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 20-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 20-37 and 39 is/are rejected.
- 7) ☒ Claim(s) 38 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. ____                                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>9/19/05</u>   | 6) <input type="checkbox"/> Other: ____                           |

## **DETAILED ACTION**

### ***Priority***

1. Acknowledgement is made of applicant's claim for foreign priority based on application number 10312136.6 filed in Germany on March 19, 2003.

### ***Information Disclosure Statement***

2. The information referred to in the information disclosure statements filed on September 19, 2005 has been considered as to the merits.

### ***Drawings***

3. The subject matter of this application admits of illustration by a drawing to facilitate understanding of the invention. Applicant is required to furnish a drawing under 37 CFR 1.81(c). No new matter may be introduced in the required drawing. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d).

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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5. Claims are rejected under 35 U.S.C. 102(b) as being anticipated by Yokoyama (5,516,198). With respect to claim 20, Yokoyama discloses a recliner mechanism system (10) for locking and adjusting tilt of a vehicle seat, the system (10) comprising: a fitting (12) having a fastening opening (26) and configured to be provided at a side of the vehicle seat; and an insert part (34) occupying the fastening opening (26) and configured to receive a transmission rod (22)(58), wherein an inner periphery of the insert part has a profiled contour, defined by recessed portions (36), for receiving the transmission rod (22)(58) in a form fitting manner.

With respect to claim 21, the insert part (34) is press-fit (by way of spring (54) into the fastening opening (26) for coupling the insert part (34) to the fitting (16) in a frictional and form-fitting manner.

With respect to claim 22, the fastening opening (26) of the fitting (12) has an inner periphery (unlabeled) having a profiled contour (38) for receiving the insert part (34).

With respect to claim 23, the profiled contour (38) of the fastening opening is an array of fine toothings.

With respect to claim 26, the insert part (34) is inserted into the fastening opening (26) at a predetermined position with reference to the fitting (12) given that tooth element (40) must align with fine toothings of the profiled contour (38).

With respect to claim 27, the predetermined position is defined by at least one distance between a reference point on the profiled inner contour (unlabeled) of the

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insert (34) and a reference point on the fitting (12). The reference point on the fitting being one of the teeth and the reference point on the insert being a corresponding tooth.

With respect to claim 28, the profiled inner contour of the insert (34) has recurring profiles and is formed radially symmetrical to a longitudinal axis of the transmission rod.

With respect to claim 29, a central angle, rotation about which the recurring profiled in the profiled inner contour of the insert part can be brought in overlap, is 60 degrees. This configuration is explained in column 5, lines 12-15.

With respect to claim 32, a pivotal clamping element (16) of the fitting (12) defines the fastening opening (26) occupied by the insert part (34).

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 24 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yokoyama (5,516,198) in view of Vossman et al. (6,454,354). As disclosed above, Yokoyama reveals all claimed elements with the exception of an insert made of plastic and having profiled inner contour that is formed asymmetrically.

Vossman discloses a plastic (column 5, line 12) insert (108) and transmission bar (106) that have profiles which are formed asymmetrically as best depicted in Figures 7 and 8.

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It would have been obvious to one of ordinary skill in the art at the time of the instant invention to form the inner contour of the insert part (34) disclosed by Yokoyama with an asymmetrical contour. Such a modification would aid in the assembly of the device allowing for a single assembly position.

8. Claims 24-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yokoyama (5,516,198) in view of Scholl (DE 3015334A). As disclosed above, Yokoyama discloses all claimed elements with the exception of an insert made of glass fiber reinforced polyamide.

Scholl teaches use of a glass fiber reinforced polyamide for forming a bushing used in a coupling.

It would have been obvious to one of ordinary skill in the art at the time of the instant invention to use the material taught by Scholl to form the insert disclosed by Yokoyama. The material is temp. resistant, mechanically strong and creep resistant.

9. Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yokoyama (5,516,198). As disclosed above, Yokoyama reveals all claimed elements with the exception of a maximum play of about 4 degrees.

It would have been an obvious matter of design choice to indicate a maximum play of about 4 degrees since such a specification has not been disclosed to solve a specific problem or fulfill a specific need. The levels of play exhibited by the Yokoyama device would appear to function equally as well.

10. Claims 33-37 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yokoyama (5,516,198). As disclosed above, Yokoyama reveals all claimed elements with the exception of the specifically claimed method steps of inserting, coupling, inserting, press fitting and referencing.

It would have been obvious to deduce the specifically claimed assembly steps from the structure disclosed by Yokoyama. Clearly, insert (34) is inserted into the opening (26) and press-fit, by way of spring (54), into position. Furthermore, reference must be made to the fitting (12) when inserting insert (34) to ensure that toothings (38) and (40) align properly. Such steps are required for proper alignment of the device.

Furthermore, it would have been obvious to one of ordinary skill in the art at the time of the instant invention paint the insert and fittings prior to insertion of the transmission rod. In doing so, the transmission rod is prevented from being stuck to the insert and fitting member.

***Allowable Subject Matter***

11. Claim 38 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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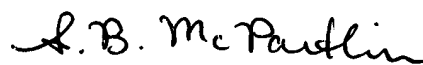
**Conclusion**

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Nichtnennung (DE 3241211A1); Droulon (5,451,096); Kisiel (US 2003/0137175); Tsutsumi et al. (4,916,962) and Kojima et al. (6,609,756).

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sarah B. McPartlin whose telephone number is 571-272-6854. The examiner can normally be reached on M-Th 7:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Dunn can be reached on 571-272-6670. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Sarah B. McPartlin  
Patent Examiner  
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April 2, 2007